

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 27, 2001

H022329 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 27, 2001

H022784 PEOPLE v. FAVELA

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 27, 2001

H021659 PEOPLE v. SANTANA

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 27, 2001

TUESDAY, AUGUST 28, 2001

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Wunderlich, J.; and Nancy M. Olea, Deputy Clerk. Counsel waive the presence of Bamattre-Manoukian, J. and stipulate that she may listen to the audio tape of oral argument.

H021588 PEOPLE v. ORTIZ

Cause called and argued by Dennis Smith appearing for Appellant and by Martin S. Kaye, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021246 PEOPLE v. GEDEON

Cause called and argued by Andrew Henry Parnes appearing for Appellant and by Rene Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020669 IN RE THE MARRIAGE OF JONES and STEINBERGER

Cause called and argued by Hugh Thomson appearing for Appellant and by Robin Yeamans appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, August 28, 2001 (continued)

H021493 COLEMAN v. INDMAN, et al.

Cause called and argued by Eric Paul Goldman appearing for Appellant and by Tyler G. Draa appearing for Respondent Paul Indman, M.D. and by Barbara Caulfield appearing for Respondent Good Samaritan Hospital. Cause ordered submitted. Court recesses until 1:30 p.m.

H021274 ABBATE, et al. v. COUNTY OF SANTA CLARA, et al.

The judgment is affirmed. (published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

H021183 PEOPLE v. VEGA

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

H021048 PEOPLE v. LEWIS

The judgment is reversed. The matter is remanded for resentencing (not published)
(Premo, Acting P. J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

H019764 ONG, et al. v. ENCABO ENTERPRISES, INC., et al.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

H021314 PEOPLE v. LEON G.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

H021703 IN RE JENNIFER S., et al., MINORS

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

Sixth Appellate District

San Jose, California

Tuesday, August 28, 2001 (continued)

HO22062 PEOPLE v. CARAVAYO

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

HO20443 KIPKIRWA v. SAN JOSE MERCURY NEWS

The order and judgment is affirmed. Defendants are entitled to an award of appellate attorney's fees and costs pursuant to Code of Civil Procedure 425.16, subdivision (c), to be determined by the trial court. (Evans v. Unkow (1995) 38 Cal. App.4th 1490, 1499-1500) (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

HO17793 PEOPLE v. FERNANDEZ, et al.

The defendants' convictions for the robbery of Barry in count four is reversed. The robbery special circumstance findings are stricken. The two-year terms imposed for the gang enhancement under section 186.22 on counts one and two are stricken. The trial court is directed to amend the abstracts of judgment in accordance with the views expressed in this opinion. (not published)
(Cottle, P.J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P. J.; Bamattre-Manoukian, J.; Wunderlich, J.; and S. Nasson, Deputy Clerk. Counsel waive the presence of Bamattre-Manoukian, J. and stipulate that she may listen to the audio tape of oral argument for the following two matters:

H020521 PEOPLE v. FLOREZ

Cause called and argued by Donald Tickle appearing for Appellant and by France Dogan, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

In The Court Of Appeal Of The State Of California 157
Sixth Appellate District
San Jose, California

Tuesday, August 28, 2001 (continued)

H021849 DEPT. OF FAMILY & CHILDREN'S SERVICES v. SHEILA S.

Cause called and argued by Lori Lee appearing for Appellant and by Teri Robinson, Deputy County Counsel, appearing for respondent DFCS and by Robert Masterson, Deputy District Attorney, appearing for minor. Cause ordered submitted.

Bamattre-Manoukian, J. joins the bench for the remainder of the calendar.

H020983 PEOPLE v. SAHOTA, et al.

Cause called and argued by Robert Shapiro and Robert Waters appearing for Appellants and by Jeremy Friedlander, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020280 PEOPLE v. CLARK

Cause called and argued by Michael Goldstein appearing for Appellant and by John Vance, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020773 BLASE v. DE VEGA

Cause called and argued by Ed Frey appearing for Appellant and by Richard Patton appearing for Respondent. Cause ordered submitted. Court Adjourns.

H021327 PEOPLE v. QUISTIAN, JR.

With regard to each of defendant's three convictions for attempted murder, the two-year term for section 186.22, subdivision (b)(1) gang enhancement is stricken. As so modified, the judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 28, 2001

H022274 PEOPLE v. AMWEST SURETY INSURANCE COMPANY

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed August 28, 2001

Sixth Appellate District

San Jose, California

Tuesday, August 28, 2001 (continued)

HO21356 PEOPLE v. SALCIDO

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed August 28, 2001

HO21458 PEOPLE v. HATCHETT

The judgment is reversed and the matter is remanded to the trial court for resentencing. (not published)
(Wunderlich, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed August 28, 2001

HO22075 PEOPLE v. HASKIN

The abstract of judgment is ordered modified by reducing the section 1202.4, subdivision (b), restitution fine to exactly \$200. As so modified, the judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

HO21260 PEOPLE v. CAMPOS

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 28, 2001

HO20602 BLUMBERG RIBNER, INC. v. COMMUNITY HOSPITAL OF MONTEREY PENINSULA

The judgment is affirmed. Respondent shall have its costs on appeal. (not published)
(Wunderlich, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed August 28, 2001

HO22112 PEOPLE v. NOBEL INSURANCE COMPANY

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed August 28, 2001

Sixth Appellate District

San Jose, California

WEDNESDAY, AUGUST 29, 2001

H019808 PEOPLE v. SOLORIO

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Elia, J., Mihara, J.)
Filed August 29, 2001

H020840 PEOPLE v. HUYNH

The judgment is vacated and the matter is remanded for
resentencing in accordance with the views expressed herein. (not
published)
(Cottle, P.J.; We concur: Elia, J., Mihara, J.)
Filed August 29, 2001

H018928 PEOPLE v. MORENO

The judgment is modified by striking the parole revocation
fine under section 1202.45. As so modified, the judgment is
affirmed. (not published)
(Cottle, P.J.; We concur: Elia, J., Mihara, J.)
Filed August 29, 2001

H021815 PEOPLE v. LUJAN

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed August 29, 2001

THURSDAY, AUGUST 30, 2001

The Court met in its courtroom at 333 West Santa Clara
Street, Suite 1060, San Jose, California. Present: Cottle, P.J.;
Bamattre-Manoukian, J.; Wunderlich, J.; and W. Magsaysay, Deputy
Clerk.

Bamattre-Manoukian, J. indicates on the record that
this is the last official oral argument calendar to be presided
over by Cottle, P.J. He retires as Presiding Justice of the
Sixth District Court of Appeal effective August 31, 2001.

Sixth Appellate District

San Jose, California

Thursday, August 30, 2001 (Continued)

H020841 PEOPLE v. MARSHALL

Cause called and argued by Patricia G. Bell appearing for Appellant and by William M. Kuimelis, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020322 CYPRESS SEMICONDUCTOR CORPORATION v. YOURMAN, et al.

Cause called and argued by C. Randall Bain appearing for Appellant and by Ronald Mallen appearing for Respondents. Cause ordered submitted. Court adjourns.

H021092 PEOPLE v. BENJAMIN

The judgment is modified to strike the \$280 restitution order in favor of the City of Santa Clara. As so modified, the judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed August 30, 2001

H019770 PEOPLE v. NGUYEN, et al.

H021137 In re SUNNY VAN NGUYEN on Habeas Corpus

We have disposed of the habeas petition by separate order filed this day. The judgment of conviction of Ho is affirmed. The judgment of conviction of Khoa is affirmed. The judgment of conviction of Son is affirmed. Except as otherwise specified in the opinion, the judgment is affirmed in all other respects. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed August 30, 2001

H022014 FAZZIO v. DORSEY, et al.

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed August 30, 2001

Sixth Appellate District

San Jose, California

Thursday, August 30, 2001 (Continued)

H021414 PEOPLE v. BOOKER

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed August 30, 2001

H021588 PEOPLE v. ORTIZ

The probation conditions are ordered modified as stated in this opinion. As so modified, the judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed August 30, 2001

H022361 DEPT. OF FAMILY & CHILDREN'S SERVICES v. MICHELLE S.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed August 30, 2001

FRIDAY, AUGUST 31, 2001

H021849 DFCS v. SHEILA S.

The order terminating reunification services for mother as to Matthew J. is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 31, 2001

H021961 PAVLOVICH v. SUPERIOR COURT OF SANTA CLARA COUNTY

(Filed order modifying opinion.) Except as stated, the modification does not change the disposition. (published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 31, 2001

H020841 PEOPLE v. MARSHALL

Defendant's one year section 667.5, subdivision (b) enhancement based upon Superior Court case No. MCR5858 is ordered stricken. As modified, the judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 31, 2001

In The Court Of Appeal Of The State Of California 162
Sixth Appellate District
San Jose, California

Friday, August 31, 2001 (continued)

H022339 SANTA CRUZ COUNTY HUMAN RESOURCES AGENCY v. ERNESTINA P.
The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed August 31, 2001

H020521 PEOPLE v. FLOREZ
The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 31, 2001

H020339 CHAVEZ, et al. v. CARPENTER, et al.
The judgment is reversed. Appellants shall have their costs
on appeal. (published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-
Manoukian, J.)
Filed August 31, 2001

H020617 PEOPLE v. JASSO
The order revoking probation and the judgment are affirmed.
(not published)
(Wunderlich, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed August 31, 2001

H020773 BLASE v. DE VEGA
The judgment is reversed and remanded to the trial court for
further proceedings consistent with the views expressed in this
opinion. The parties shall bear their own costs on appeal. (not
published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed August 31, 2001

H021493 COLEMAN v. INDMAN, et al.
The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed August 31, 2001

Sixth Appellate District

San Jose, California

Friday, August 31, 2001 (continued)

H022552 PEOPLE v. SANDERSON

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)
Filed August 31, 2001

H021246 PEOPLE v. GEDEON

The judgment is reversed and the matter is remanded for resentencing in accordance with the views expressed herein. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 31, 2001

H020669 JONES v. STEINBERGER

The judgment is reversed, and the matter is remanded for the limited purpose of reconsidering the division of the parties' community property. Each party shall bear his or her costs on appeal. (published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed August 31, 2001

H020739 PEOPLE v. CORONADO

By the Court*:

Appellant's petition for rehearing is denied.
Filed: August 31, 2001
*Before Cottle, P.J., Bamattre-Manoukian, J. and Wunderlich, J.

H023179 CONNOLLY v. JACKSON

By the Court:

Appellant's request to set aside the dismissal order of August 3, 2001 is granted. Appeal is restored to active status. (Premo, Acting P.J., Elia, J. and Mihara, J. participated in this decision.)
Filed: August 31, 2001